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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,130	07/13/2001	Philippe Gentric	FR 000075	3857

24737 7590 04/19/2007	EXAMINER
PHILIPS INTELLECTUAL PROPERTY & STANDARDS	CHEA, PHILIP J
P.O. BOX 3001	

ART UNIT	PAPER NUMBER
2153	

BRIARCLIFF MANOR, NY 10510

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/905,130	GENTRIC, PHILIPPE
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 January 2007</u>.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>09 March 2006</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some *　c) ☐ None of:

　　　1. ☒ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to an Amendment filed January 26, 2007 Claims 1-20 are

currently pending. Any rejection not set forth below has been overcome by the current Amendment.

Specification

1.   The specification is objected to as failing to provide proper antecedent basis for the claimed

subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The term "medium" is not described in the specification. Therefore, it is unknown if the breadth of the

claim contains "medium" which is not considered statutory subject matter.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted

Prior Art, and further in view of Jones et al. (US 6,453,355), herein referred to as Jones.

As per claims 1,16, Applicant discloses a Motion Picture Experts Group (MPEG-4) encoder

comprising:

an .mp4 file track media generator configured for generating, as a first output of encoding by said

encoder, an .mp4 file comprising, as encoded content, a media track (see page 1, lines 21-23); and

a fragmentation structure file generator configured for generating a fragmentation structure file as

a second output of encoding by said encoder with said first output, both outputs being configured as input

for a hinter program configured for creating as output, based on said second output and an output of said

media track generator (see page 2, lines 21-29), a hinted file that comprises said output of said media

track and a hint track that contains pre-segmentation information usable at a server in segmenting, into

network packets, said output of said media track generator in said hinted file (see page 2, lines 8-10),

said hinted file being configured for each MPEG-4 data entity in said output of said media track generator

in said hinted file (see page 1, lines 24-27) and, for each of said packets for said entity, a size in bits of a

fragment to be created by said segmenting (see page 2, lines 14-16).

Although the system disclosed by Applicant Admitted Prior Art shows substantial features of the

claimed invention (discussed above), it fails to disclose the fragmentation structure file generated

simultaneously as a separate file, said fragmentation file not being network specific, and the hinted file

being configured with a specification of a number of network packets.

Nonetheless, these features are well known in the art and would have been an obvious

modification of the system disclosed by the Applicant, as evidenced by Jones.

In an analogous art, Jones discloses a system for processing media data transmitted in a data

communication medium (see Abstract). Jones additionally shows that the fragmentation file is stored as a

separate file during encoding (see column 16, lines 62-67), said fragmentation file not being network

specific (see column 11, lines 37-43) and that steps in creating the encoded media file may be done

simultaneously (see column 8, lines 58-65). Further Jones discloses the hinted file being configured with

a specification of a number of network packets (see column 26, lines 3-5).

Given the teaching of Jones, a person having ordinary skill in the art would have readily

recognized the desirability and advantages of modifying Applicants Admitted Prior Art by employing the

teaching of Jones, in order to play media over different transport types without making any additional

changes to the media itself.

As per claim 2, Applicants Admitted Prior Art in view of Jones further discloses a processor

receiving a coded signal from a computer-readable medium, said signal being created from output of a

Motion Pictures Experts Group 4 (MPEG-4) (see Applicant Prior Art page 1, lines 21-23) encoder to form

a bitstream having two sides and including, on one of the sides, media data stored in an MPEG-4 file

format and, on the other of the sides, a pre-segmentation information, said pre-segmentation information

not being network specific (see column 11, lines 37-43), indicating how to fragment MPEG-4 data entities

in said media data (see Jones Fig. 4) in order to match size resulting packets for transmission on a

transmission network to a size specific to said transmission network (see Jones column 9, lines 24-35).

As per claims 3,14,17, Applicants Admitted Prior Art in view of Jones further disclose an MPEG-4

terminal having a processor for receiving a coded signal, said processor being configured for reading the

received signal according to a file structure having the following syntax:

Loop on MPEG-4 Access Units until end-of-file, and, for each Access Unit:

Read a specified number N of fragments;

Loop on fragments until N, wherein for each fragment:

Read size, in bits, of the fragment;

End-of-loop on fragments;

End-of-loop on Access Units (see Jones Fig. 11, where these steps are implied, if not inherent,

for a receiving system to accept the entire stream of data).

As per claims 4, Applicants Admitted Prior Art in view of Jones further disclose a hinter program

is provided for generating, from an .mp4 file, a new .mp4 file containing hit tracks that are both media and

network specific, said new .mp4 file being transmitted for the reception by said processor as said coded

signal (see Jones 13, lines 39-54).

As per claim 5, Applicants Admitted Prior Art in view of Jones further disclose that the

fragmentation structure file generator is further configured so that said generating of said fragmentation

structure file occurs in response to a request for said content by a client of said server (see Jones column

7, lines 51-59).

As per claims 6,18, Applicants Admitted Prior Art in view of Jones further disclose that the server

is video-on-demand server (see Jones column 8, line 66 – column 9, line 11).

As per claim 7, Applicants Admitted Prior Art in view of Jones further disclose that the .mp4 file is

configured for storing a plurality of media tracks, and respective hint tracks, said respective hint tracks

including, for adaptation of encoded content of the plural media tracks to a size of said network packets of

a given type of network (see Jones column 7, lines 51-59 and column 22, lines 40-47), said pre-

segmentation information indicating how to fragment MPEG-4 data entities stored in said plural media

tracks to match said size, said pre-segmentation information being derived from information in said fragmentation structure file for structuring a coded bit stream into entities that are independent to recover some context even if a packet from among said network packets is lost (see column 10, lines 32-46).

As per claim 8, Applicants Admitted Prior Art in view of Jones further disclose the server comprising the encoder and said hinter program (see Jones Fig. 13).

As per claims 9,19, Applicants Admitted Prior Art in view of Jones further disclose archiving the fragmentation structure file for subsequent retrieval as said input (see Jones column 7, lines 51-59).

As per claims 10,20, Applicants Admitted Prior Art in view of Jones further disclose that the retrieval occurs in response to a request, by a client of said server, for content (see Jones column 7, lines 51-59).

As per claim 11, Applicants Admitted Prior Art in view of Jones further disclose that the fragmentation structure file generator is further configured so that said generating of said fragmentation structure file occurs in response to a previous request, by a client of said server, for content (see Jones column 27, lines 18-29).

As per claim 12, Applicants Admitted Prior Art in view of Jones further disclose that the coded signal is received as a hinted file comprising an output of a media track generator and a hint track that contains pre-segmentation information usable at a server in segmenting, into network packets, said processor performing the segmenting on the received hinted file (see Jones column 10, lines 32-46).

As per claim 13, Applicants Admitted Prior Art in view of Jones further disclose that the hinted file is transmitted, for reception by said processor, as a bit stream having two sides and that comprises, on one of said two sides, said output of said media track generator and, on the other of said two sides, said hint track (see Jones Fig. 4).

As per claim 15, Applicants Admitted Prior Art in view of Jones further disclose that the size of the fragment to be read is represented in said bit stream by ASCII delimited by a separator character (see Jones column 24, lines 26-30 and column 2, lines 16-49).

Response to Arguments

4.   Applicant's arguments filed January 26, 2007 have been fully considered but they are not

persuasive.

(A)   Applicant contends that Jones does not disclose the fragmentation file not being network specific.

        In considering (A), the Examiner disagrees. The claim merely states the fragmentation file not

being network specific. If the fragmentation file can work with an RTP and MPEG-2 network, it shows that

it is not specific to an RTP network. Since Jones teaches that a single file may support hint tracks for

multiple protocols (i.e. not just an RTP network), it is believed that Jones meets the limitation of teaching

a fragmentation file not being network specific.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth

in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

        Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be

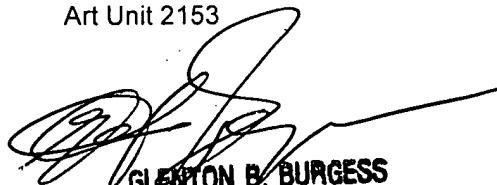reached on M-F 6:30-4:00 (1st Friday Off).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)

at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative

or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 4/5/07

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